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THE TWENTIETH BIENNIAL REPORT *of the* JUDICIAL COUNCIL *of* THE STATE OF NEW HAMPSHIRE

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December 31, 1984

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INTRODUCTION

by

George W. Walker

Chairman, Judicial Council

The following biennial report rendered in the 40th year of the existence of the Judicial Council reflects the administration of justice responding to changing needs of society.

Among the most significant of these changes was the consolidation of all the courts of the state under the administrative supervision and control of the Supreme Court and the transfer as of January 1, 1984, of the primary burden of expense, together with receipt of fines and revenues, from the counties and municipalities to the state. The legislature also increased the number of superior court justices by ten, phased in over three years, in part to reduce the use of masters appointed by the superior court to preside at non-jury trials.

The warranted legislative concern over proliferation of judges-in-fact who have not been selected by the constitutional process of nomination and confirmation is tempered by the generally high present quality of masters, their undoubted usefulness on overburdened court dockets and their economy. The present $175 per day compensation for a master, without additional costs of pensions and fringe benefits incurred for full-time judges, annualizes to compensation of approximately $44,000, and some masters serve practically full time.

The courts are to be commended for continued self-evaluation and responsiveness toward change and improvements in the administration of justice.

The Supreme Court's recently announced expansion of opportunity for greater public participation in rulemaking procedures should help to alleviate conflicts in constitutional grey areas between legislative and court powers. The past two legislative sessions and the 1984 Constitutional Convention consumed an inordinate amount of time and energy over whether the legislature or the court was supreme in the area of court procedures or rule making. Historically in New Hampshire and other states, while some areas have been clear, there have been overlap areas in which a wise legislature and a wise court have been able to reach a functional accommodation. Cooperation rather than confrontation better serves the public in those areas in which both the legislature and court have legitimate interests.

Among other examples of court improvement is the Supreme Court's anticipated adoption of the comprehensive Rules of Evidence produced by the monumental efforts of both the bench and bar.

The Judicial Council's two Citizens' Conferences held January 7, 1983, and March 9, 1984, brought together more than 400 knowledgeable and concerned citizens from all over the state to participate in programs on the civil, criminal and juvenile law. These and other opportunities for public and professional input enable the Council to better carry out its

statutory duties pertaining to the improvement of the administration of justice.

It is a marvel that the legislature does as well as it does in view of its staggering workload of approximately 1,000 bills proposed in the last biennial session. Much proposed legislation is on the cutting edge of society's activity and has a far-reaching effect, the consequences of which frequently cannot be clearly foreseen. The ability of legislators to effectively consider proposed legislation could be improved by such measures as restricting the practice of initially introducing proposed legislation by the title only and to require at least an outline of the bill, as well as requiring all similar bills on related subjects to be combined for hearings and votes and, where possible, requiring similar provisions to be amalgamated into an omnibus bill so that only dissimilar provisions are debated. Such changes would help the scheduling of public hearings as well as the completion of studies and reports upon which the legislature relies.

Among the bills potentially affecting the administration of justice studied by the Judicial Council are the important bills on sovereign immunity and contribution among joint tortfeasors. Compensation for injurious acts of the state is an area of the law that has been subjected to increasing criticism in recent years.

REPORT OF THE EXECUTIVE DIRECTOR

RSA 494:3 It shall be the duty of the Judicial Council to:

study the administration of justice within the state;
consider suggestions pertaining to the administration of justice;
devise ways of...improving the administration of justice;
recommend changes in the law or in the rules....;
publish statistics and...reports pertaining to the judicial system.

In meeting its statutory mandate during 1983 and 1984, the years covered by this report, the Judicial Council undertook a new project -- the Citizens' Conference on the Administration of Justice -- while continuing its more traditional duties. The Council's participation in the legislative process was an expanded duty this biennium because the 1983 Regular Session was followed by the 1984 Constitutional Convention. In addition, the Council continues to publish statistics and to supervise and contract with the public defender. The full Council met in formal session 14 times during the two years in addition to subcommittee meetings and appearances before Legislative or Constitutional Convention committees.

The Citizens' Conference on the Administration of Justice

Each of the two Conferences -- the first held on January 7, 1983, and the second on March 9, 1984 -- was attended by some 200 leading citizens from various walks of life. The Council provided background information and knowledgeable speakers to initiate discussion and debate about issues important to our justice system. The somewhat ambitious agenda at the first Conference included the State's costly duty to provide counsel for indigent criminal defendants, the problem of crowded court dockets, the balancing of individual rights against the power of the police to produce evidence for criminal trials, and the challenge of finding an appropriate response in our justice system to citizen concern about drunk driving. The second Conference focused on two issues -- criminal sentencing and divorce. By creating this opportunity for the exchange of ideas and opinions, the Conference made the justice system more accessible to the lay participants and gave the practitioners in that system an opportunity to receive thoughtful commentary.

As a way of assessing the first Conference and planning for the second, the Council held a public hearing on April 22, 1983. Among the expected critiques and suggestions offered at this hearing, the Council heard particularly compelling testimony from a young mother who asked the Council to investigate ways of ameliorating what she described as the traumatic impact of our legal system on child victims. The 1985 Citizens' Conference will focus on the legal process at it affects child and adult victims of crime.

The Council has also appointed a special Committee on Child Abuse to propose ways of adjusting legal procedures to accomodate the particular needs of child victims without jeopardizing the rights of the accused. In this endeavor the Committee has worked with the Senate Select Committee on Child

Abuse. The Senate Committee's legislative proposal and a report now being prepared by the Council will be presented to the 1985 Session of the General Court.

The 1983 Regular Session and the 1984 Constitutional Convention

Three measures recommended by the Council in its 1982 report were adopted into law during the 1983 Session: elimination of appeals of violations to the Superior Court; extension of the effective date of laws that affect the legal/judicial system; and authorization of driver's license suspension when defendants fail to appear in court or to pay fines.

Other measures supported by the Council during the Session and enacted into law included an increase in the number of Superior Court justices, unification of the courts into a state-supported system, and an increase in the jurisdictional amount of small claims court from $500 to $1500. The Council also supported the concept of increased penalties for "aggravated" DWI and expanded use of rehabilitative and educational programs for people convicted of DWI.

Two important issues, judicial selection and judicial rulemaking, arose during the 1983 Session and again in the Constitutional Convention. The Council prepared comprehensive reports on both issues (included in this Biennial Report) which were effective in broadening the discussion of the numerous proposals, all of which were ultimately defeated. The Report on Judicial Selection, Retention and Tenure expressed the Council's opposition to changes in our present system of judicial selection, retention, and tenure. The Report on Judicial Rulemaking cautioned against adoption of a proposal that would have generated a confrontation between the legislative and judicial branches of government, and concluded with the suggestion that the Supreme Court consider adopting explicit rulemaking procedures, including a method for public participation. Acting on this suggestion, the Court adopted, in December of 1984, Supreme Court Rule 51. It creates an Advisory Committee on Rules -- composed of lawyers, judges and lay people -- and an open and accessible procedure for changing court rules.

The Council was also involved during 1983 and 1984 in efforts to increase the threshold amount in the Constitution above which New Hampshire citizens are entitled to a trial by jury to settle civil disputes. Presently that amount is only $500, which is less than the amount the State spends even for a short jury trial. During the Session the Council opposed a proposal to remove the dollar amount from the Constitution and to authorize the General Court to establish the threshold by statute. Instead, the Council recommended leaving this determination in the hands of the voters and submitting to the voters a constitutional amendment to increase the threshold to $5000. The Council's recommendation was adopted by the Constitutional Convention, and the question was put to the voters at the November, 1984, election. The question received a 64% favorable vote -- just short of the 66.6% required for adoption of a constitutional amendment.

Public Defender

Pursuant to the Council's statutory duty to contract on behalf of the State for public defender services (RSA 604-B:4), in the spring of 1983 the Council reviewed the State's existing contract with New Hampshire Legal Assistance and recommended renewal of the contract subject to the appropriation approved by the General Court. The contract for the 1984-1985 biennium, which was approved by the Governor and Council on June 29, 1983, provides $1,850,000 for each of the two fiscal years, an increase of $1,306,200 over the previous biennium's appropriation. It calls for a gradual increase in attorney staff during the biennium from the present minimum of 26 to a minimum of 33.75 attorneys.

A new statutory provision, 604-A:10, which went into effect on May 27,1983, will provide the State, for the first time, with timely data upon which to make funding projections for indigent defense. The statute establishes a method for centralized recording of the assignment of counsel for indigents in all the courts of the State. This information will also improve the State's ability to evaluate the apportionment of funds betweeen the assigned counsel and public defender programs.

Statistics

The statistics included in this report were provided by the Supreme Court's Office of Administrative Services. In particular, I would like to thank Constance A. McLean for her assistance in compiling these figures.

The Superior Court statistics include a section labeled "Other Information" which provides an estimated breakdown of the criminal caseload. Whereas the statistics listed above this section are counted by docket number, the "Other Information" may include multiple charges in a single docket entry, and the totals will not necessarily match the total docket numbers.

The number of appeals of violations in the Superior Court declined during 1984. Effective January 1, 1984, the Legislature eliminated the right to such appeals unless conviction for a particular violation provides the basis for enhanced penalties if the offender is subsequently convicted of the same violation. For example, while a first conviction for simple DWI is a violation, any subsequent convictions would be misdemeanors punishable by a jail sentence. Thus, by about the middle of 1984, after older cases were cleared from the docket, the statistics on violation appeals reflect the new law.

Jo Ellen Orcutt
Executive Director

PLEASE NOTE: References to **page 6** concerning Superior Court Statistics are incorrect. Please see **page 5.**

NEW HAMPSHIRE JUDICIAL COUNCIL
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1983-1984

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REPORT TO THE CONSTITUTIONAL CONVENTION
ON JUDICIAL SELECTION, RETENTION, AND TENURE

May 25, 1984

Summary of Recommendations

The Judicial Council opposes any constitutional amendment that would alter the present method of selection, retention, and tenure of judges. Any electoral method for the selection or retention of judges inevitably would interject into the judicial process political considerations and effects that would be detrimental to the administration of justice. The present system in New Hampshire has provided a judiciary of the highest ability and integrity while maintaining an appropriate balance between judicial independence and public accountability.

Public accountability is achieved through the initial appointment by Governor and Council, the constitutional processes of legislative address and impeachment, and the Supreme Court's superintendence of judicial personnel through its Judicial Conduct Committee. Any attempt to increase the political accountability of New Hampshire's judges by requiring them to face elections for selection or retention would do so at the expense of judicial independence, the quality of the bench, and, ultimately, the cherished liberties that judges protect.

I. Central Principles

Any analysis of proposals to elect judges or to limit their tenure must begin with consideration of the values that are at stake, so as to provide a framework for evaluating the potential consequences and ultimate desirability of the proposed changes. Three values are central to the analysis of judicial selection, retention, and tenure: judicial independence, the quality of the bench, and public accountability.

Under our system of government, an independent judiciary is essential to maintain the impartial interpretation of the law and to protect individual rights. Only an independent judiciary can adjudicate the cases before it free from political pressures. Only an independent judiciary can make the sometimes unpopular decisions necessary to preserve individual liberties and rights.

It is also important that judges possess certain personal and professional qualities that are essential to the task of judging. Among these qualities are integrity, industry, commitment to justice, judicial temperament, highly-developed professional skill, and social consciousness. [See, American Judicature Society, Report of the Judicial Committee on Qualification Guidelines for Judicial Candidates (1983)].

Furthermore, under our form of government it is important that public officials be directly or indirectly accountable to the public. In the legislative and executive branches of government, public accountability is most visibly maintained through the electoral process. Legislators, the Governor and the Executive Council are held accountable directly for their official actions by that electoral process. The Governor and the Council in New

Hampshire are directly elected. The Secretary of State and Treasurer are elected by the Legislature, and other executive branch officials are appointed and can be removed by the Governor with the advice and consent of the Council.

Under our New Hampshire Constitution, the principle of public accountability is applied to the judicial branch of government in a manner consistent with the responsibility of the judiciary to be independent and impartial. Because judicial independence is essential to the fair and impartial adjudication of legal cases and the protection of individual liberty, there should be no direct political influence over judicial decision-making.

It is abundantly clear that judges should be accountable for maintaining ethical behavior, an appropriate level of professional skill, the highest integrity, an appropriate temperament, and adequate physical and mental health. It is equally clear that judges should not be subject to popular will when they decide particular cases; nor should they be accountable to political parties, leaders, or to special interests for the repayment of political debts and favors. These forms of direct accountability, often acceptable in the legislative and executive arenas, would dramatically undermine the ability of judges to render impartial decisions and protect individual rights.

II. Judicial Selection and Tenure in New Hampshire

Methods of judicial selection and tenure currently established by law and custom in New Hampshire achieve a desirable and appropriate balance of judicial independence and public accountability while providing a highly qualified bench. New Hampshire judges are appointed by the Governor with the advice and consent of the Council. The New Hampshire Bar Association advises the Governor as to the professional skill, temperament, and industry of prospective appointees. Judges receive tenure during good behavior and until age 70, but can be disciplined or suspended for unethical or improper conduct by the Supreme Court. Judges may be removed from office by legislative address or by impeachment.

The system provides a substantial measure of public accountability. The appointment process permits the Governor and Council, all of whom are elected officials, to consider a wide range of factors, including judicial philosophy, in the initial selection. The Governor and Council may remove judges for reasonable cause upon address by both houses of the legislature. Judges also can be removed by impeachment for bribery, corruption, malpractice or maladministration. Thus, elected public officials select judges and are empowered to remove them.

Short of removal, the public may seek to discipline judges for misconduct by petitioning the Committee on Judicial Conduct which has been established by the New Hampshire Supreme Court and which includes members from outside the legal profession. This Committee is empowered to investigate alleged violations of the Code of Judicial Conduct on the part of any judge, to impose certain sanctions, and to initiate suspension proceedings by forwarding recommendations to the Supreme Court.

Thus, New Hampshire citizens currently possess four distinct methods for maintaining the accountability of judges. A great virtue of New Hampshire's current system is that accountability is achieved without sacrificing the impartiality and quality of the judiciary.

III. Proposed Changes

Current proposals to increase judges' public accountability would do so only at the expense of judicial independence and the quality of the bench. Although many resolutions proposed in the Constitutional Convention would alter current methods of judicial selection, retention, and tenure, all represent one of four types: the partisan election (e.g. Resolution 59); the nonpartisan contested election (e.g. Resolution 59); limited judicial tenure (e.g. Resolutions 42, 102, 103, 171); and the uncontested retention election (e.g. Resolutions 9, 102, 103, 160).

Partisan elections would subject judges to the influence of political parties, powerful political figures, and special interest groups. Judges would be nominated and elected not according to their ability, but according to their political popularity and political connections. Many able candidates would be deterred from seeking office by the cost of conducting campaigns and the personal risks of failing to attain or retain judicial office. Moreover, many minority party candidates would be excluded from office regardless of their ability.

Although nonpartisan judicial elections reduce the influence of partisan politicians, they share many of the problems inherent in partisan elections. As with partisan elections, many able candidates simply would not seek judicial office. Although party influences would be minimized in nonpartisan elections, judicial candidates could still acquire sizable political debts to special interests. Judges' impartiality and their defense of individual and minority rights could be compromised by political debts and could be chilled by fear of electoral reprisals.

A third set of proposals would limit judicial tenure to specified terms. At the completion of a term, judges would be subject to reappointment for a fixed term, or to a retention election which, if won, would ensure lifetime tenure upon good behavior.

Two proposals would limit tenure to a fixed period and provide for reappointment. Resolution 42 would establish a term of ten years with reappointment by the Governor. Resolution 160 would create a seven-year term with reappointment by a judicial review commission appointed by the Governor and other political leaders, and comprised entirely of non-lawyer members. Both proposals would politicize the judicial process because judges nearing the end of their terms would face strong incentives to render decisions favorable to the reappointing authority. Indeed, by excluding all legally trained persons from membership, Resolution 160 would cause reappointment to be based upon purely political factors to the exclusion of an appraisal of judges' professional skills.

Limitations upon judicial tenure undermine the single most significant guarantor of judicial impartiality. Lifetime tenure alone removes the threat of reprisal for making the right rather than the popular decision. This judgement stands at the heart of Part I, Article 35 of our Constitution, which provides:

> It is essential to the preservation of the rights of every individual.... that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as impartial as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, that the judges of the supreme judicial court should hold their offices so long as they behave well. (Emphasis added.)

The logic of Article 35 is clear. The protection of the rights of the people demands an independent, impartial judiciary. To achieve independence and impartiality, judicial tenure must be limited only by good behavior and age.

New Hampshire's constitutional history vividly instructs us as to the folly of limiting judicial tenure. Throughout the 19th century New Hampshire courts repeatedly were abolished to enable politicians currently in power to appoint judges accountable to them, rather than to their politicial opponents. No less a jurist than the great Chief Justice Doe suffered ignominious politically-motivated removal.[1]

The final set of proposals would link a tenure limitation with a retention election for a fixed term, as provided in Resolutions 102 and 103, or for lifetime tenure, as provided by Resolution 9. As enunciated by Albert Kales of the American Judicature Society, who is credited with developing the idea, the purpose of the retention election is to permit the public to remove those judges it finds incompetent or unfit for judicial office on the basis of experience with those judges in office. Historically, however, it is important to understand that the creators of the retention election intended it to be an improvement upon the partisan election, not upon the appointive system. They viewed it as a step toward an appointive system that emphasized merit as the only justifiable criterion for judicial selection. Kales developed the retention election not to promote political accountability, but to make merit selection of judges more politically palatable to the proponents of partisan judicial elections. [Carbon and Berkson, Judicial Retention Elections in the United States 2-3 (1981).]

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1 One proposal, Resolution 171, differs from the other proposals limiting judicial tenure. This resolution would limit District Court Judges to a single ten-year term. Although this proposal would not subject judges to political pressures to secure retention or reappointment, it would diminish the overall quality of candidates for these judgeships, for many able candidates would be deterred by the limited tenure.

As mechanisms of public accountability, retention elections have little to offer. Over forty-five years of experience with retention elections suggests they provide little substantive information upon which the electorate can make informed judgements on the fate of judges' tenure. (See generally, Carbon and Berkson, supra; DuBois, From Ballot to Bench: Judicial Elections and The Quest for Judicial Accountability (1980).) Evaluated upon their own terms, retention elections do not represent an improvement of the current system, for in recent history, a mere 1.6% of judges running on retention ballots have failed to be retained. (Carbon & Berkson, supra at 66.) Although few judges actually are removed through retention elections, these elections can reduce judges' impartiality and deter qualified candidates from seeking judicial office. In short, while the elective process does not produce any better results than the appointive process, the adverse effect of elective systems on the judiciary is present in this proposal as well.

The reasons for which judges have been removed in retention elections lead us to conclude that the Supreme Court's Judicial Conduct Committee is a better mechanism than the retention election for public review of judicial conduct and judicial ethics. Many of the reasons for which judges have failed to secure retention are clearly appropriate. They include professional incompetence, judicial misconduct, criminal activity, and involvement in public scandals.

Discipline for any of these reasons, however, would be better achieved and administered through the Judicial Conduct Committee. The Judicial Conduct Committee carefully reviews all complaints according to fair and established procedures, basing its actions and recommendations upon a thorough examination of the circumstances of each complaint. [See, generally, Supreme Court of New Hampshire, Accountability 1983: Report of the Supreme Court of New Hampshire, Committee on Judicial Conduct (1983).] In contrast, retention elections do not afford a thorough examination of judicial conduct. Retention elections provide little information to voters, rendering it difficult for them to make informed judgements about judicial performance. [Griffen & Horan, "Merit Retention Elections: What Influences the Voters?" 63 Judicature 78, 82 (1979); See also, Dubois, supra at 243-247.] The lack of relevant information and, therefore, public knowledge increases the risk of wrong or unfair results. In comparison, the careful consideration provided by the Judicial Conduct Committee guarantees results that are both correct and fair.

Furthermore, although many of the reasons for which judges have failed to secure retention are appropriate, many of them are clearly inappropriate. Public disagreement with some judges' judicial philosophy has led to their electoral rejection. Judicial philosophy, however, is more appropriately accounted for in the selection process when it will not later deter judges from making right but unpopular or impolitic decisions. Public dissatisfaction with controversial decisions also has led to failure to secure retention. The review of controversial decisions is far better left to the appellate process. Finally, local politics, which undermine the impartiality of adjudication, have influenced the outcome of retention elections. [Carbon & Berkson, supra at 28-29, 35-36, 39.] The Judicial Conduct Committee is superior to the retention election because it does not consider such inappropiate factors.

IV. Recommendation

Proponents of change would ask the people of New Hampshire to disregard the lessons of the past and to discard the methods of judicial selection and tenure that have protected their fundamental rights by guaranteeing judicial impartiality and providing a judiciary of the highest integrity and ability. They seek to replace this system with proposals that would politicize the administration of justice. The consequences of this are clear, and clearly unacceptable. Judicial independence would be undermined, imperiling the impartiality of adjudication and the protection of fundamental rights and liberties. The quality of the bench would be diminished as skilled politicians replaced skilled jurists. For these reasons, the Judicial Council opposes any proposal to elect judges initially or for retention, or to limit their tenure to fixed terms.

REPORT TO THE CONSTITUTIONAL CONVENTION
ON JUDICIAL RULEMAKING

May 25, 1984

Summary of Recommendations

The Judicial Council recommends that formalized "Public Process" be incorporated into the Supreme Court's rulemaking, to include public notice and an opportunity for public hearing. The Judicial Council opposes, however, any proposed constitutional amendment that would limit the Supreme Court's rulemaking authority by providing that the Court's rules may not be inconsistent with statute.

I. Central Issues

Judicial rulemaking involves balancing the values of judicial independence and public accountability. The allocation of rulemaking authority to the judiciary enhances the impartial administration of justice by permitting courts to control their own procedure and administration. On the other hand, democratic values and the potentially broad impact of many court rules suggest that some form of public access should be provided in the rulemaking process.

Traditionally, legislatures have provided access and accountability in judicial rulemaking. For this reason, until recently, the central issue in rulemaking has been the proper legislative role. Advocates of expansive judicial rulemaking authority have maintained that rulemaking is best vested in courts because judges are more familiar with the problems of practice than legislators are, because judges can deal with these problems more quickly than legislatures can, and because legislators are more likely than judges to consider political factors at the expense of procedural fairness and administrative efficiency. Opponents have countered that legislatures historically have played a central role in procedural reform, having, for example, displaced the writ system with the Field Codes in the late nineteenth century. They have contended further that without a legislative check, court-made procedural rules could abridge substantive rights because procedure and substance are intertwined.

In practice, state courts and legislatures have shared responsibility for rulemaking. Most state supreme courts possess rulemaking authority; all state legislatures may adopt procedural statutes. Of course, concurrent authority has produced conflicts between statutes and rules. When this issue has been litigated, state supreme courts usually have found their own rules to supersede conflicting statutes. (See, Appendix A, Column 8.) Nevertheless, legislative involvement in rulemaking has not been limited to the adoption of procedural statutes. As Appendix A indicates, three state legislatures may disapprove court rules; two more legislatures may refuse to approve court rules, preventing them from taking effect; ten state legislatures may repeal enacted rules; and thirteen legislatures may amend court rules.

Each mode of legislative involvement reflects a different balance of power between the branches. For example, the power of the legislature is greater when it can refuse to approve rules than when rules become effective unless specifically disapproved. Legislative power is enhanced when it may be wielded continuously rather than within a limited time period. The power to amend rules substantially checks judicial rulemaking because the legislature can never be put in a take-it-or-leave-it position on the approval of rules -- the legislature may simply amend those rules it dislikes.

Despite the opportunity for constitutional conflict over procedural rulemaking, conflict has been rare. One 1978 study found that in the previous 30 years, legislatures had superseded or attempted to supersede court rules in only 14 states. [Korbakes et al, Judicial Rulemaking In the State Courts (1978).] When conflicts have arisen, courts and legislatures usually have avoided confrontations by seeking middle ground. Legislatures have afforded great deference to court-made rules, while the courts have refrained from asserting exclusive authority to govern procedure. [Weinstein, The Reform of Court Rulemaking Procedure 77-87 (1977); Grau, Judicial Rulemaking: Administration Access and Accountability 7-22 (1978); Pugh et al. Judicial Rulemaking (1984).]

II. Recent Developments

Certain developments, however, portend a realignment in the balance of power between the branches of government. During the past two decades, many state court systems, including New Hampshire's, have centralized their administration, thereby significantly improving it. In doing so, they have begun to make rules governing judicial assignment, financing, facilities, security, superintendence of support personnel and of inferior courts, statistical reporting, and docketing. In short, courts have expanded their use of rulemaking authority.

Although many of these rules have little impact beyond the courts' internal operations, others have much broader impact. For example, rules designed to reduce congestion and delay could substantively affect civil litigants and criminal defendants. Consequently, the public interest in access to rulemaking has grown evermore significant.

Some courts and commentators [see, e.g., Weinstein, supra] have responded to these developments by fashioning rulemaking procedures within the judicial branch that are similar to those required by federal and state administrative procedure acts. These proposals have provided public access to rulemaking without undermining judicial independence. The clearest examples of this effort are the rulemaking procedures that have been adopted by the North Dakota Supreme Court. These procedures provide for public notice of rulemaking, comment periods, open hearings, and standing rules committees. [North Dakota Rule on Procedural Rules.] Collectively, these procedures have been termed "Public Process." [Parness & Manthey, "Public Process in State Court Rulemaking," 63 Judicature 338 (1982).] Appendix B indicates the rulemaking procedures used in the different states as of 1978.

A formal set of procedures that incorporates public process expands public access to rulemaking by informing the public of the policy issues that are at stake in proposed rules and specifying when and how the public can participate. Standing rules committees provide ongoing review of court rules, while incorporating the expertise of judges, practicing lawyers, and legal academics. They also provide a conduit for public proposals to adopt, amend, and repeal rules. Public notice, comment periods, and public hearings afford the public the opportunity to analyze, debate, and criticize proposed rule changes that affect public interests. As the experience with the federal rules of evidence indicates, public input through these procedures can be sizeable and significant, and is administratively practical. [Weinstein, supra at 114.]

Thus, a broad range of practices and procedures can be used to achieve public access to rulemaking. Some of these procedures can be adopted by the Supreme Court, while others would constitutionally expand the legislature's role in the rulemaking process. These procedures are outlined in Appendix C.

III. Rulemaking in New Hampshire

The recent constitutional allocation of rulemaking authority to the Supreme Court in Part II, Article 73-A, is one dimension of the increasing administrative centralization of our state court system. Prior to 1978, the Supreme Court's rulemaking authority rested upon the court's inherent powers and the legislature's statutory recognition of these powers. Article 73-A constitutionally recognized the court's rulemaking authority by specific reference to the Supreme Court's responsibility for administration throughout the judicial branch.

While the Supreme Court's rulemaking today often involves an opportunity for comment, the Court has no regular or publicized procedure for the introduction, adoption, and amendment of court rules. No rulemaking procedures are provided by the constitution, by court rule, or by statute, though Article 73-A may preclude the specification of rulemaking procedures by statute. In practice, the court often acts upon its own motion and frequently accepts petitions from the bar association and the superior court judges. Although the Supreme Court does not require comment periods and public hearings, and does not afford them as a matter of course, it has frequently employed them.

The Supreme Court does not maintain a standing committee on procedural rules. Nevertheless, the bar association for two years has maintained a special rules committee to draft a comprehensive set of procedural rules. The bar association also has established a bench-bar cooperation committee which monitors rulemaking. Similarly, the Superior Court judges have established a standing rules committee. The Superior Court and bar committees consult with each other before petitioning the Supreme Court.

Several proposals to alter the rulemaking process have been submitted to the Constitutional Convention. Two proposed resolutions, No. 78 and No. 100, would amend Article 73-A to permit the court to adopt rules that do not conflict with statutory law. The precise language of the two resolutions is

somewhat different. Resolution No. 100 would give court rules the force and effect of law "if not inconsistent with statute," while Resolution No. 78 would give them effect "so long as they do not conflict with statutory law." A third resolution, which would have required court rules to have been approved by the legislature, has been withdrawn.

IV. Recommendations

On the basis of its examination of the issues central to judicial rulemaking, and of the practices, procedures, and experiences of this and other states, the Judicial Council recommends that the rulemaking of the New Hampshire Supreme Court incorporate a formal, public process that would include specified procedures, public notice, and an opportunity for hearing. Formal public process would enhance public access to rulemaking without compromising the independence of the judiciary.

The Judicial Council opposes proposals 78 and 100, which would constitutionally limit the Supreme Court's rulemaking authority by providing that the court's rules may not conflict with statutes. These proposals would put the Court and the Legislature into a position of confrontation, whereas differences should and could be settled by practical accommodation.

Rather than clarifying the roles of the Court and the Legislature in rulemaking, terms such as "do not conflict with statutory law" and "not inconsistent with statutory law" could foster protracted constitutional conflict. For example, the New Jersey Supreme Court interpreted the constitutional requirement that court rules must be "subject to law" to mean that rules could not be inconsistent with substantive law, thereby retaining final control over procedure for itself. Weinberry v. Salisbury, 74 A.2d 406 (N.J. 1950). Confrontation between the New Jersey Court and legislature continued for over a decade, blocking the adoption of a uniform set of evidentiary rules until a practical accommodation could be reached. [Weinstein, supra at 77-82.]

Moreover, the Judicial Council is convinced that the Supreme Court's control over procedure should not be reduced because the Court's control of matters central to its operation is essential to the effective and impartial administration of justice. The power of the legislature to make substantive law, and, to a lesser extent, to affect court procedures, should not encroach upon the essential judicial functions of the courts. Access to judicial rulemaking can be better provided by a formal, public process such as the Council recommends.

APPENDIX A

Legislative Authority Over Procedural Rulemaking

	1. Ct. may adopt rules	2.+ Source	3. Leg. may disapprove	4. Leg. may refuse approval	5. Leg. may repeal	6. Leg. may amend	7. Leg. may adopt procedural statutes	8.++ Governing rule
Alabama	X	C,S,I				X		S
Alaska	X	C				X	X	
Arizona	X	C,S					X	R
Arkansas	X	S					X	R
California		C,I**					X	S
Colorado	X	C,S					X	R
Connecticut	X	C,I					X	R
Delaware	X	S					X	R
Florida	X	C			X		X	R
Georgia	X	S,I		X			X	
Hawaii	X	I,C					X	R
Idaho	X	S					X	
Illinois	X	I,S					X	R
Indiana	X	S				X	X	R
Iowa	X	S				X	X	R
Kansas	X	S					X	
Kentucky	X	C					X	
Louisiana	X	C					X	S
Maine	X	S,I					X	R
Maryland	X	C			X	X	X	R
Massachusetts	X	S					X	
Michigan	X	C					X	R
Minnesota	X	C			X	X	X	R
Mississippi	X	S					X	
Missouri	X	C			X	X	X	R
Montana	X	C	X*				X	
Nebraska	X	C					X	S
Nevada	X	I,S					X	
New Hampshire	X	C,I,S					X	R
New Jersey	X	C					X	R
New Mexico	X	S					X	R
New York		S***	X		X	X	X	
No. Carolina	X	C,S			X	X	X	S
No. Dakota	X	C,S					X	
Ohio	X	C	X*				X	R
Oklahoma	X	S					X	
Oregon		S**			X	X	X	R
Pennsylvania	X	C					X	
Rhode Island	X	S					X	R
So. Carolina	X	C					X	
So. Dakota	X	C				X	X	
Tennessee	X	S		X			X	R
Texas	X	C			X		X	S
Utah	X	C					X	R
Vermont	X	C			X	X	X	R
Virginia	X	C					X	S
Washington	X	C,I,S					X	R
West Virginia	X	C,I					X	R
Wisconsin	X	I,S			X	X	X	
Wyoming	X	S					X	
N =	47	-	3	2	10	13	50	-

* A time limit has been imposed

** In these states judicial rulemaking authority is vested in a judicial council

*** In N.Y., rulemaking authority is vested in a Judicial Conference.

\+ C = Constitutional; S = Statutory; I = Inherent

++ S = Statute prevails; R = Rule prevails

APPENDIX B

State Rulemaking Procedures

State	Prior Publication	Comment Period	Open Hearings	Supreme Court Committees	Published Rulemaking Procedures	
Alabama	X	X	X	X		
Alaska	X	X	X	X		
Arizona		X		X		
Arkansas	X	X		X		
California						
Colorado	X		X	X		
Connecticut			X			
Delaware	X	X		X		
Florida	X	X	X	X	X	
Georgia						
Hawaii	X			X		
Idaho			X	X		
Illinois	X	X		X		
Indiana						
Iowa				X		
Kansas	X		X	X		
Kentucky	X		X			
Louisiana		X	X	X		
Maine	X	X	X	X		
Maryland	X	X	X	X	X	
Massachusetts	X	X	X	X		
Michigan	X	X	X	X		
Minnesota	X	X	X	X		
Mississippi	X		X			
Missouri	X	X		X		
Montana	X	X		X		
Nebraska						
Nevada(1)	X	X	X	X	X	
New Hampshire	X	X	X	X	X	*
New Jersey	X	X		X		
New Mexico	X	X		X		
New York	X	X				
No. Caroiina						
No. Dakota(2)	X	X	X	X	X	
Ohio	X	X	X	X		
Oklahoma	X		X			
Oregon						
Pennsylvania						
Rhode Island	X		X			
So. Carolina						
So. Dakota	X	X	X	X		
Tennessee	X		X	X		
Texas	X		X			
Utah			X	X		
Vermont	X	X	X	X		
Virgina	X					
Washington	X	X		X		
West Virginia	X		X	X		
Wisconsin(3)	X	X	X	X	X	
Wyoming	X			X		

N = 48 Pennsylvania andd Nebraska did not respond to questionnaire.

(1) Nevada's procedures apply only to administrative rules and orders. Access to the process is limited to court system personnel.
(2) North Dakota employs the same procedure for both administrative and procedural rules.
(3) Wisconsin has separate procedures for procedural and administrative rules. Both, however, include all procedures indicated here.

Source: AJS Questionnaire

* Please note that in December, 1984, the Supreme Court adopted Supreme Court Rule 51 establishing rule-making procedures which incorporated open hearings. The Rule also establishes an Advisory Committee on Rules.

APPENDIX C

Summary of Rulemaking Procedures

A. Possible legislative authority:

1. the legislature may be required to approve rules;
2. the legislature may be permitted to disapprove rules;
   a. size of majority
      i. simple
      ii. extraordinary
   b. time frame for disapproval
      i. limited
      ii. continuous;
3. the legislature may be permitted to amend rules;
4. statutes may be superior to conflicting rules;

B. Procedures that the Supreme Court could adopt:

1. formal, publicized procedures;
2. notice of proposed rules and rulemaking;
3. opportunity for proposals from the public;
4. comment periods;
5. open hearings;
6. regular standing committee;
7. public record of the reasoning behind rules.

RECOMMENDATION FOR REVISION OF RSA 547:23
PERTAINING TO COMPENSATION OF PROBATE JUDGES IN CONTESTED HEARINGS

October 9, 1984

House Bill 200 which became law as Chapter 383, Laws of 1983, effective January 1, 1984, in its sweeping transfer to the State of those Superior and District Court general funding and administrative functions, formerly performed by the counties and municipalities, perpetuated within the enabling act earlier statutory language compelling a litigant in contested probate hearings to pay the per diem compensation of a probate judge, re-enacting RSA 547:23 to read:

> Contested and Special Sessions. Whenever the judge, at the request of the parties, shall attend an uncontested hearing, on days other than those fixed by the statute as the legal days for the sitting of the probate court, he may be allowed $20 for his service, plus his expenses. In the case of a contested hearing, he shall be allowed the same per diem compensation for his service as is generally allowed to masters by the superior court plus his reasonable expenses. Such compensation and expenses shall be paid by the party applying for the hearing unless the judge orders otherwise. If the parties are indigent, the Court, in its discretion, may assess such charges against the state. (Underlining supplied.)

It does not appear that the Supreme Court has had occasion in a contested setting to construe this provision of the law which compels a litigant in a contested probate matter to pay the per diem salary or compensation of the judge of probate, but it is extremely doubtful that this provision would comply with the requirement of Part 1, Article 14 of the New Hampshire Constitution which provides:

> [Legal Remedies to be Free, Complete and Prompt.] Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, property, or character; to obtain right and justice freely, without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

The Judicial Council is unaware of any court in the state, other than the probate court, where by statute or procedure a litigant's access to the decision-making function of the court is conditioned upon payment of the judge's compensation for presiding on a contested matter. The primary responsibility of and justification for any court is to resolve disputes the parties cannot settle themselves.

A fee of $8 was held to be an unconstitutional infringement of the right to trial by jury of a misdemeanor appeal in State v. Cushing 119 NH 147, 399 A2d 297 (1979) stating as follows:

> ...Part 1, Article 14 of the New Hampshire Constitution guarantees that citizens must "obtain right and justice freely, without being obliged to purchase it." The right to a jury trial for a criminal

defendant is fundamental to our system of criminal justice.

> The Supreme Court of the United States, when confronted with a conflict between the fundamental right to vote and a State's asserted interest in collecting a poll tax, struck down the tax as a violation of equal protection, concluding that "we say the same whether the citizen, otherwise qualified to vote, has $1.50 in his pocket or nothing at all, pays the fee or fails to pay it." Harper v. Virginia Board of Elections 383 U.S. 663, 668 (1966). Similarly, we conclude that a criminal defendant cannot be required to purchase a jury trial - even for so nomimal a sum as eight dollars.

A similar fee of $8 for appealing a parking violation to the Superior Court was upheld in the earlier case of State v. Basinow 117 NH 176:371 A2d 458 (1977) in the following language:

> [Article 14] has its origin in the Magna Carta. J. Colby, Manual of the Constitution of the State of New Hampshire 96 (1902). Although historical research has disclosed no fixed meaning for the provision as a whole, the section is basically an equal protection clause in that it "implies that all litigants similarly situated may appeal to the courts both for relief and for defense under like conditions and with like protection and without discrimination." (citing authority)
>
> The fee in no way resembles the arbitrary exactions paid to corrupt officials in ancient England and does not cause the mischief that Article 14 of our Constitution was designed to prevent.

Although it is frequently stated that all court fees and expenses are necessarily relative, the present per diem charge of probate judges, based upon the compensation of masters in Superior Court, is $175 per day, plus expenses.

> The purpose of Part 1, Article 14 was to make civil remedies readily available, and to guard against arbitrary and discriminatory infringements on access to the courts. Estate of Cargill v. Rochester 119 NH 661, 406, A2d 704 (1980).

Since none of the other courts in the State's judicial system compel a litigant to pay the per diem compensation of a sitting judge, this statutory provision for the probate courts is clearly an arbitrary and discriminatory infringement on access to that court.

The salaries of probate judges are established by RSA 491-A and were increased effective May 25, 1984, to $17,326. RSA 94:1-a (supp). In addition to the salaries fixed by statute, probate judges are permitted to receive "special session" fees of $20 and, presently, a fee for sitting on contested hearings.

It may well be that with the expansion in recent years of the probate court functions in such areas as civil commitments, guardianships and termination of parental rights to children, a review of salary structures is long overdue. However, it is the recommendation of the Judicial Council that an interim measure, RSA 547:23 be amended to abolish the requirement that litigants pay the compensation of a probate judge in contested cases. Consistent with the transfer of other functions to the State, such per diem costs should be paid by the State.

RECOMMENDATION FOR REVISION OF RSA 506:6 AND RSA 477:9 PERTAINING TO POWERS OF ATTORNEY

November 30, 1984

The Judicial Council recommends that the General Court consider legislation to facilitate and clarify the use of powers of attorney in the State of New Hampshire. The first change that we recommend pertains to RSA 506:6, which establishes a durable power of attorney.

A "durable" power of attorney is one which can survive the disability or incompetence of the principal. It enables a person to plan for the orderly management of his affairs if he should become incapacitated or disabled. New Hampshire's statute has a unique restriction. RSA 506:6, I, restricts such durable powers to "special or limited" powers of attorney and expressly prohibits the use of the concept of durability as applied to general powers of attorney:

> 506:6 Powers of Attorney; Disability or Incompetence of Principal.
> I. The subsequent disability or incompetence of a principal shall not revoke or terminate the authority of an agent who acts under a special or limited power of attorney in a writing executed by such principal which contains the words "This special or limited power of attorney shall not be affected by the subsequent disability or incompetence of the principal" or words of similar import showing the intent of such principal that the authority conferred shall be exercisable notwithstanding his subsequent disability or incompetence. The general power of attorney shall not survive the incompetence of the principal. (Emphasis added.)

A general power of attorney authorizes an agent to act generally on behalf of the principal, whereas a special power is limited to particular acts. However, the distinction between the two is not always clear. If a power of attorney enumerates extensive individual powers, its effect may be to permit the attorney to act generally on behalf of the principal. Thus, the restrictive language in New Hampshire's law has created problems. Some title examiners will not pass on a conveyance under a durable power of attorney which sets forth extensive powers. Attorneys find it difficult to give legal opinions to their clients concerning the validity of particular acts of agents acting under durable powers of attorney which set forth extensive powers. Since we know of no reason for this distinction between limited and general powers of attorney, we recommend that the language underlined above in RSA 506:6,I, be deleted.

The Council further recommends that the General Court adopt a statute which would alter the common law rule that a principal's death ends the authority of a power of attorney even if it is exercised in complete ignorance of the death. Such a statute would remove a potential trap for agents-in-fact and third parties who rely on a power during a time when they are uncertain whether or not the principal is still alive. It should apply both to durable and non-durable powers of attorney.

With reference to durable powers of attorney, RSA 506:6 should be amended by the addition of the underlined language below:

> II. All acts done by an agent under a power granted under paragraph I during any period of disability or incompetence of the principal or uncertainty as to whether the principal is dead or alive shall have the same effect and inure to the benefit of and bind a principal and his distributees, devisees, legatees and personal representatives as if such principal were alive, competent and not disabled....

With reference to non-durable powers of attorney, the following provisions of the Maine Probate Code are recommended as a new section of RSA 506:6. These provisions would protect agents under non-durable powers of attorney who are unaware of the principal's death. In addition, they would protect agents under non-durable powers who are unaware of the principal's disability or incompetence:

> RSA 506:6, III. Other Powers of Attorney not revoked until notice of death or disability.
>
> (a) The death, disability, or incompetence of any principal who has executed a power of attorney in writing other than a power as described by RSA 506:6, I, does not revoke or terminate the agency as to the attorney in fact, agent or other person who, without actual knowledge of the death, disability, or incompetence of the principal, acts in good faith under the power of attorney or agency. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and his heirs, devisees, and personal representatives.
>
> (b) An affidavit, executed by the attorney in fact or agent stating that he did not have, at the time of doing an act pursuant to the power of attorney, actual knowledge of the revocation or termination of the power of attorney by death, disability or incompetence, is, in the absence of fraud, conclusive proof of the nonrevocation or nontermination of the power at that time. If the exercise of the power requires execution and delivery of any instrument which is recordable, the affidavit when authenticated for record is likewise recordable.
>
> (c) This section shall not be construed to alter or affect any provision for revocation or termination contained in the power of attorney.

Our review of RSA 506:6 revealed an omission that should be corrected. The present statute fails to require that a durable power of attorney be acknowledged before a notary public. To correct this we suggest a new subsection III tying the durable power to the general power of attorney for purposes of execution:

RSA 506:6, IV. Power Must Be Acknowledged. A durable power of attorney shall be executed in accordance with the requirements of RSA 477:9.

Finally, RSA 477:9 itself should be amended to make it consistent with RSA 477:3 as amended by the 1981 General Court. The former statute retains a requirement for a witness that has been deleted from RSA 477:3. The two statutes are as follows:

RSA 477:9 Power of Attorney. Every power of attorney to convey real estate must be signed, attested and acknowledged, and may be recorded as required for a deed, and a copy of the record may be used in evidence whenever a copy of the deed so made is admissible. (Emphasis added.)

RSA 477:3 Execution. Every deed or other conveyance of real estate shall be signed by the party granting the same and acknowledged by the grantor before a justice, notary public or commissioner and shall show the mailing address of the grantee.

We suggest omission of the underlined language.

JUDICIAL STATISTICS

SUPREME COURT CASELOAD STATISTICS

	Year End 1983			Year End 1984		
Pending Cases, 12/31/--		357			308	
Cases Filed		530			603	
Total Cases			887			911
Cases Summarily Affirmed	150			166		
Cases Withdrawn	62			42		
Cases Declined	7			33		
Dismissed; remanded, etc.	75			85		
Subtotal		332			326	
By Opinion:	214			208		
Others by Consolidated Opinion	33			16		
Total Opinions		247			224	
Total Disposed			579			550
Pending						
Argued, awaiting opinion	83			114		
Docketed, but not argued	225			247		
TOTAL PENDING YEAR END			308			361

SUPERIOR COURT CASELOAD SUMMARIES
JANUARY 1, 1983 TO DECEMBER 31, 1983

	Belknap	Carroll	Cheshire	Coos	Grafton	Hillsborough	Merrimack	Rockingham	Strafford	Sullivan	Total
Criminal Entries	328	208	493	241	480	2,365	881	1,831	1,067	172	8,066
Civil Entries	434	260	244	135	281	2,237	620	1,237	490	123	6,061
Equity Entries	148	108	86	75	122	589	302	519	320	65	2,334
Domestic Relations Entries	339	251	524	184	476	1,960	773	1,774	716	337	7,334
TOTAL	1,249	827	1,347	635	1,359	7,151	2,576	5,361	2,593	697	23,795
Criminal Dispositions	387	390	453	190	469	2,204	840	1,738	1,184	259	8,114
Civil Dispositions	519	295	362	139	424	2,096	587	1,349	460	139	6,370
Equity Dispositions	150	130	144	81	155	679	323	473	198	80	2,413
Domestic Relations Dispositions	568	182	764	230	452	2,861	644	1,630	638	605	8,574
TOTAL	1,624	997	1,723	640	1,500	7,840	2,394	5,190	2,480	1,083	25,471

OTHER INFORMATION*
JANUARY 1, 1983 TO DECEMBER 31, 1983

Misdemeanor Appeals Entered	106	126	99	65	106	840	297	573	459	70	2,741
Violations Appeals Entered	28	55	95	28	63	323	169	271	271	28	1,331
Felonies Entered	176	213	179	145	274	1,193	352	616	272	225	3,645
TOTAL	310	394	373	238	443	2,356	818	1,460	1,002	323	7,717
Misdemeanor Appeals Disposed of	113	147	104	87	154	719	325	657	533	34	2,873
Violations Appeals Disposed of	15	67	129	23	77	296	167	300	342	16	1,432
Felonies Disposed of	245	176	181	80	224	1,108	331	781	309	194	3,629
TOTAL	373	390	414	190	455	2,123	823	1,738	1,184	244	7,934

* Please see page 6 for an explanation of this breakdown.

SUPERIOR COURT CASELOAD SUMMARIES
JANUARY 1, 1983 TO JUNE 30, 1983

	Belknap	Carroll	Cheshire	Coos	Grafton	Hillsborough	Merrimack	Rockingham	Strafford	Sullivan	Total
Criminal Entries	186	97	294	118	249	1,235	417	972	553	87	4,208
Civil Entries	198	124	124	67	155	1,152	274	737	279	75	3,185
Equity Entries	79	58	33	34	72	290	161	284	85	31	1,127
Domestic Relations Entries	169	113	263	89	242	1,024	370	937	359	186	3,752
TOTAL	632	392	714	308	718	3,701	1,222	2,930	1,276	379	12,272
Criminal Dispositions	243	192	269	115	289	869	472	893	575	139	4,056
Civil Dispositions	260	166	201	75	221	957	349	586	287	64	3,166
Equity Dispositions	78	70	60	44	84	205	197	272	96	33	1,139
Domestic Relations Dispositions	212	81	405	109	202	1,359	385	804	300	298	4,155
TOTAL	793	509	935	343	796	3,390	1,403	2,555	1,258	534	12,516

OTHER INFORMATION*
JANUARY 1, 1983 TO JUNE 30, 1983

Misdemeanor Appeals Entered	72	44	45	37	70	438	143	281	232	16	1,378
Violations Appeals Entered	8	26	50	21	24	177	73	142	151	5	677
Felonies Entered	96	105	123	60	131	647	166	379	140	91	1,938
TOTAL	176	175	218	118	225	1,262	382	802	523	112	3,993
Misdemeanor Appeals Disposed of	87	70	77	55	104	317	189	283	247	20	1,449
Violations Appeals Disposed of	8	35	79	18	40	84	80	153	200	5	702
Felonies Disposed of	134	87	88	42	145	413	192	457	128	102	1,788
TOTAL	229	192	244	115	289	814	461	893	575	127	3,939

* Please see page 6 for an explanation of this breakdown.

SUPERIOR COURT CASELOAD SUMMARIES
JULY 1, 1983 TO DECEMBER 31, 1983

	Belknap	Carroll	Cheshire	Coos	Grafton	Hillsborough	Merrimack	Rockingham	Strafford	Sullivan	Total
Criminal Entries	142	111	199	123	231	1,130	464	859	514	85	3,858
Civil Entries	236	136	120	68	126	1,085	346	500	211	48	2,876
Equity Entries	69	50	53	41	50	299	141	235	235	34	1,207
Domestic Relations Entries	170	138	261	95	234	936	403	837	357	151	3,582
TOTAL	617	435	633	327	641	3,450	1,354	2,431	1,317	318	11,523
Criminal Dispositions	144	198	184	75	180	1,335	368	845	609	120	4,058
Civil Dispositions	259	129	161	64	203	1,139	238	763	173	75	3,204
Equity Dispositions	72	60	84	37	71	474	126	201	102	47	1,274
Domestic Relations Dispositions	356	101	359	121	250	1,502	259	826	338	307	4,419
TOTAL	831	488	788	297	704	4,450	991	2,635	1,222	549	12,955

OTHER INFORMATION*
JULY 1, 1983 TO DECEMBER 31, 1983

Misdemeanor Appeals Entered	34	82	54	28	36	402	154	292	227	54	1,363
Violations Appeals Entered	20	29	45	7	39	146	96	129	120	23	654
Felonies Entered	80	108	56	85	143	546	186	237	132	134	1,707
TOTAL	134	219	155	120	218	1,094	436	658	479	211	3,724
Misdemeanor Appeals Disposed of	26	77	27	32	50	402	136	374	286	14	1,424
Violations Appeals Disposed of	7	32	50	5	37	212	87	147	142	11	730
Felonies Disposed of	111	89	93	38	79	695	139	324	181	92	1,841
TOTAL	144	198	170	75	166	1,309	362	845	609	117	3,995

* Please see page 6 for an explanation of this breakdown.

SUPERIOR COURT CASELOAD SUMMARIES
JANUARY 1, 1984 TO DECEMBER 31, 1984

	Belknap	Carroll	Cheshire	Coos	Grafton	Hillsborough	Merrimack	Rockingham	Strafford	Sullivan	Total
Criminal Entries	246	246	342	178	372	2,178	975	1,522	865	192	7,116
Civil Entries	390	195	187	134	240	2,098	643	1,363	615	140	6,005
Equity Entries	158	126	133	92	155	881	333	790	203	83	2,954
Domestic Relations Entries	353	262	543	157	559	2,112	789	1,716	760	374	7,625
TOTAL	1,147	829	1,205	561	1,326	7,269	2,740	5,391	2,443	789	23,700
Criminal Dispositions	218	329	404	232	366	2,684	794	1,526	824	196	7,573
Civil Dispositions	592	184	322	147	279	1,802	680	1,476	518	146	6,146
Equity Dispositions	161	88	136	98	163	543	311	410	205	78	2,193
Domestic Relations Dispositions	408	258	845	144	554	2,363	948	1,626	612	550	8,308
TOTAL	1,379	859	1,707	621	1,362	7,392	2,733	5,038	2,159	970	24,220

OTHER INFORMATION
JANUARY 1, 1984 TO DECEMBER 31, 1984

Misdemeanor Appeals Entered	74	94	93	52	112	605	378	627	423	32	2,490
Violations Appeals Entered	38	38	42	11	15	158	55	107	100	12	576
Felonies Entered	155	294	156	117	207	1,317	465	638	304	146	3,799
TOTAL	267	426	291	180	334	2,080	898	1,372	827	190	6,865
Misdemeanor Appeals Disposed of	49	115	95	45	80	884	339	519	425	41	2,592
Violations Appeals Disposed of	11	29	63	14	21	256	97	167	136	9	803
Felonies Disposed of	222	180	205	173	217	1,457	336	840	263	146	4,039
TOTAL	282	324	363	232	318	2,597	772	1,526	824	196	7,434

* Please see page 6 for an explanation of this breakdown.

SUPERIOR COURT CASELOAD SUMMARIES
JANUARY 1, 1984 TO JUNE 30, 1984

	Belknap	Carroll	Cheshire	Coos	Grafton	Hillsborough	Merrimack	Rockingham	Strafford	Sullivan	Total
Criminal Entries	131	109	203	88	184	1,171	472	814	435	122	3,729
Civil Entries	201	84	102	77	120	1,060	329	760	300	64	3,097
Equity Entries	97	54	33	40	57	496	146	327	119	32	1,401
Domestic Relations Entries	198	143	274	75	285	1,036	406	836	383	195	3,831
TOTAL	627	390	612	280	646	3,763	1,353	2,737	1,237	413	12,058
Criminal Dispositions	165	211	269	98	192	1,801	422	911	506	62	4,637
Civil Dispositions	330	88	174	78	143	961	343	787	251	77	3,232
Equity Dispositions	75	63	59	42	80	309	160	178	96	39	1,101
Domestic Relations Dispositions	229	117	442	63	301	1,401	422	805	305	269	4,354
TOTAL	799	479	944	281	716	4,472	1,347	2,681	1,158	447	13,324

OTHER INFORMATION*
JANUARY 1, 1984 TO JUNE 30, 1984

Misdemeanor Appeals Entered	38	53	70	23	38	359	185	315	222	22	1,325
Violations Appeals Entered	22	14	33	3	9	118	38	62	73	9	381
Felonies Entered	81	215	73	62	115	660	206	382	121	89	2,004
TOTAL	141	282	176	88	162	1,137	429	759	416	120	3,710
Misdemeanor Appeals Disposed of	32	77	52	21	31	617	160	245	276	21	1,532
Violations Appeals Disposed of	10	18	59	8	13	218	69	121	86	2	604
Felonies Disposed of	123	116	117	69	110	912	177	545	144	39	2,352
TOTAL	165	211	228	98	154	1,747	406	911	506	62	4,488

* Please see page 6 for an explantion of this breakdown.

SUPERIOR COURT CASELOAD SUMMARIES
JULY 1, 1984 TO DECEMBER 31, 1984

	Belknap	Carroll	Cheshire	Coos	Grafton	Hillsborough	Merrimack	Rockingham	Strafford	Sullivan	Total
Criminal Entries	115	137	139	90	188	1,007	503	708	430	70	3,387
Civil Entries	189	111	85	57	120	1,038	314	603	315	76	2,908
Equity Entries	61	72	100	52	98	385	187	463	84	51	1,553
Domestic Relations Entries	155	119	269	82	274	1,076	383	880	377	179	3,794
TOTAL	520	439	593	281	680	3,506	1,387	2,654	1,206	376	11,642
Criminal Dispositions	53	118	135	134	174	883	372	615	318	134	2,936
Civil Dispositions	262	96	148	69	136	841	337	689	267	69	2,914
Equity Dispositions	86	25	77	56	83	234	151	232	109	39	1,092
Domestic Relations Dispositions	179	141	403	81	253	962	526	821	307	281	3,954
TOTAL	580	380	763	340	646	2,920	1,386	2,357	1,001	523	10,896

OTHER INFORMATION*
JULY 1, 1984 TO DECEMBER 31, 1984

Misdemeanor Appeals Entered	36	41	23	29	74	246	193	312	201	10	1,165
Violations Appeals Entered**	16	24	9	8	6	40	17	45	27	3	195
Felonies Entered	74	79	83	55	92	657	259	256	183	57	1,795
TOTAL	125	144	165	92	172	943	469	613	411	70	3,155
Misdemeanor Appeals Disposed of	17	38	43	24	49	267	179	274	149	20	1,060
Violations Appeals Disposed of**	1	11	4	6	8	38	28	46	50	7	199
Felonies Disposed of	99	64	88	104	107	545	159	295	119	107	1,687
TOTAL	117	113	135	134	164	850	366	615	318	134	2,946

* Please see page 6 for an explanation of this breakdown.
** Please see page 6 for an explanation of the reduction in the number of these cases.

PROBATE COURT STATISTICS JULY 1, 1982 TO JUNE 30, 1983

	Belknap	Carroll	Cheshire	Coos	Grafton	Hillsborough	Merrimack	Rockingham	Strafford	Sullivan	Total
New Files Opened:											
Adoptions	31	16	60	30	26	200	80	160	112	32	747
Change of Names	47	16	42	14	50	180	80	107	61	39	636
Involuntary Commitments	0	1	0	0	0	6	183	0	0	0	190
Conservators Appointed	6	4	3	5	2	10	10	8	2	4	54
Guardians Appointed:											
a. Incompetents	103	7	16	20*	9	86	48	65	19	21	394
b. Minors	19	7	22	4*	22	71	32	39/23**	23	8	270
Wills Allowed	185	140	225	125	190	892	288	412	258	144	2,859
Administrations Allowed	171	49	67	56	245	189	90	148	65	36	1,116
Voluntary Administrations	41	36	44	55	56	106	95	100	85	28	646
Marriage Waivers Granted	33	54	75	20	35	316	66	277	55	29	960
Inheritance Tax Receipt Where No Administration of Estate	12	5	0	2	7	0	0	20	19	1	66
Death Certificate Where No Administration of Estate	0	0	0	8	7	0	0	34	29	0	78
Petitions to File and Record Authenticated Copy of Will	17	29	14	1	17	17	9	37	12	8	161
Termination of Parental Rights	9	7	11	2	8	26	24	27	30	6	150
Relinquishment of Parental Rights	4	5	7	2	3	8	13	14	21	7	84
Other	0	0	0	0	0	4	37	1	1	0	43
TOTAL	678	376	586	344	677	2,111	1,055	1,472	792	363	8,454
Trustees Appointed	4	10	16	4	6	28	32	22	31	3	156
Accounts Allowed:											
a. Administrators & Executors	214	183	242	236	290	652	341	553	383	169	3,263
b. Guardians & Conservators	85	64	110	29	74	226	190	201	147	62	1,188
c. Trustees	120	93	113	4	119	359	212	207	128	59	1,414
TOTAL ACCOUNTS	419	340	465	269	483	1,237	743	961	658	290	5,865
Licenses Issued:											
a. Goods and Chattels	0	2	0	0	5	6	2	4	3	2	24
b. Stocks and Bonds	0	5	0	0	6	12	3	7	7	0	40
c. Real Estate	6	6	4	3	112	33	27	54	63	11	319
d. Miscellaneous	1	1	0	0	98	0	0	2	0	0	102
TOTAL LICENSES	7	14	4	3	221	51	32	67	73	13	485

* Estimate
** Minors of Person

PROBATE COURT STATISTICS JULY 1, 1983 TO JUNE 30, 1984

	Belknap	Carroll	Cheshire	Coos	Grafton	Hillsborough	Merrimack	Rockingham	Strafford	Sullivan	Total
New Files Opened:											
Adoptions	28	13	61	24	28	224	76	192	65	20	731
Change of Names	48	16	40	15	32	211	69	107	55	28	621
Involuntary Commitments	0	0	0	0	0	0	222	0	0	0	222
Conservators Appointed	3	4	2	4	1	12	10	13	2	2	53
Guardians Appointed:											
a. Incompetents	44	11	21	13	20	105	61	45	8	17	345
b. Minors	38	7	30	2	28	60	17	44	26	18	270
Wills Allowed	202	113	191	25	189	877	331	367	255	118	2,668
Administrations Allowed	162	50	56	112	234	177	105	168	58	34	1,156
Voluntary Administrations	40	69	30	45	48	85	91	123	71	78	680
Marriage Waivers Granted	34	30	52	8	34	274	39	265	51	22	809
Inheritance Tax Receipt Where No Administration of Estate	3	2	3	0	0	2	0	4	0	0	14
Death Certificate Where No Administration of Estate	3	0	0	0	12	0	0	50	9	0	74
Petitions to File and Record Authenticated Copy of Will	28	49	20	5	24	26	11	21	7	11	202
Termination of Parental Rights	5	3	10	6	5	43	21	21	33	3	150
Relinquishment of Parental Rights	4	1	8	1	15	34	13	7	40	1	124
Other	0	28	0	1	0	6	41	79	0	0	155
TOTAL	642	396	524	261	670	2,136	1,107	1,506	680	352	8,274
Trustees Appointed	8	10	14	3	26	30	34	24	28	8	185
Accounts Allowed:											
a. Administrators & Executors	199	216	223	127	340	653	450	625	389	155	3,377
b. Guardians & Conservators	328	54	108	8	83	245	226	214	151	56	1,473
c. Trustees	105	90	147	1	134	358	231	219	141	65	1,491
TOTAL ACCOUNTS	632	360	478	136	557	1,256	907	1,058	681	276	6,341
Licenses Issued:											
a. Goods and Chattels	0	0	0	0	3	12	6	5	4	2	32
b. Stocks and Bonds	0	0	3	0	6	15	6	3	7	1	41
c. Real Estate	15	20	12	5	147	44	24	38	63	8	376
d. Miscellaneous	0	0	0	0	86	0	0	3	7	0	96
TOTAL LICENSES	15	20	15	5	242	71	36	49	81	11	545

DISTRICT COURT CRIMINAL CASE ENTRIES

JANUARY 1 TO JUNE 30, 1983

Court	Motor Vehicle Violations	DWI 1st	Other Violations	Misdemeanors	DWI 2nd	Probable Cause Hearings	Total
Auburn	1,823	49	188	155	6	23	2,244
Berlin	319	15	28	127	7	33	529
Claremont	886	75	46	293	10	31	1,341
Colebrook	380	24	92	110	3	25	634
Concord	5,127	153	768	562	35	81	6,726
Conway	1,746	136	30	289	6	32	2,219
Derry	3,074	124	173	402	34	73	3,880
Dover	2,350	113	458	292	24	39	3,276
Durham	1,794	20	256	113	5	4	2,192
Exeter	1,844	112	93	211	23	15	2,298
Franklin	682	62	102	449	7	29	1,331
Goffstown	1,272	105	106	266	16	39	1,804
Gorham	534	23	25	67	4	7	660
Hampton	5,020	254	381	507	32	99	6,293
Hanover	528	10	151	100	3	24	816
Haverhill	238	11	31	108	1	16	405
Henniker	1,284	18	19	63	4	8	1,396
Hillsborough	368	21	34	76	8	11	518
Hooksett	3,247	54	18	230	15	17	3,581
Jaffrey	2,249	56	77	218	14	26	2,640
Keene	3,492	174	1,379	617	47	103	5,812
Laconia	4,180	151	371	511	39	95	5,347
Lancaster	498	10	0	8	2	5	523
Lebanon	1,545	60	24	159	11	30	1,839
Lincoln	495	20	14	67	2	5	603
Littleton	560	26	36	295	5	12	934
Manchester	4,161	130	3,118	1,343	28	320	9,100
Merrimack	2,379	100	152	198	10	32	2,871
Milford	2,875	94	36	234	17	24	3,280
Nashua	10,943	878	144	2,014	172	231	14,382
New London	1,219	25	11	31	1	4	1,291
Newport	1,814	39	71	202	14	9	2,149
Ossipee	1,338	42	27	144	10	25	1,586
Peterborough	599	21	32	90	5	11	758
Pittsfield	421	22	69	99	3	10	624
Plaistow	981	34	69	138	6	58	1,306
Plymouth	1,035	57	88	271	5	20	1,476
Portsmouth	3,373	125	160	320	30	58	4,066
Rochester	3,006	141	53	497	28	40	3,765
Salem	4,133	139	165	465	17	78	4,997
Somersworth	1,708	44	34	205	15	29	2,035
Wolfeboro	815	26	42	55	4	8	950
TOTAL	86,335	3,793	9,171	12,631	728	1,839	114,497

MUNICIPAL COURT CRIMINAL CASE ENTRIES

JANUARY 1 TO JUNE 30, 1983

Court	Motor Vehicle Violations	DWI 1st	Other Violations	Misdemeanors	DWI 2nd	Probable Cause Hearings	Total
Bethlehem	107	9	12	6	6	7	147
Bristol	285	5	31	41	0	3	365
Epping	503	22	11	25	5	0	566
Farmington	160	15	43	60	1	10	289
Greenville	121	8	0	72	1	4	206
Hinsdale	289	15	52	50	5	0	411
Loudon	375	12	0	35	0	1	423
Newmarket	448	9	46	51	5	6	565
Northumberland	182	2	17	19	1	3	224
Pelham	420	19	52	70	1	12	574
Rye	313	11	112	8	0	0	444
Whitefield	109	13	5	24	2	2	155
TOTAL	3,312	140	381	461	27	48	4,369

DISTRICT COURT CRIMINAL CASE ENTRIES

JULY 1 TO DECEMBER 31, 1983

Court	Motor Vehicle Violations	DWI 1st	Other Violations	Misdemeanors	DWI 2nd	Probable Cause Hearings	Total
Auburn	2,204	74	197	192	5	10	2,682
Berlin	522	33	28	146	5	28	762
Claremont	771	71	66	429	22	14	1,373
Colebrook	436	18	102	112	5	13	686
Concord	5,709	145	794	727	69	86	7,530
Conway	2,257	130	21	397	14	30	2,849
Derry	3,759	131	124	371	28	43	4,456
Dover	2,929	87	394	344	11	64	3,829
Durham	1,726	31	387	147	7	11	2,309
Exeter	2,165	76	144	226	26	33	2,670
Franklin	1,231	56	18	280	10	28	1,623
Goffstown	1,510	84	116	272	22	36	2,040
Gorham	810	9	48	38	3	3	911
Hampton	5,539	309	1,142	552	23	87	7,652
Hanover	697	16	224	53	0	15	1,005
Haverhill	235	15	24	114	4	21	413
Henniker	1,449	26	36	84	5	6	1,606
Hillsborough	403	23	59	98	11	10	604
Hooksett	4,126	73	17	314	14	32	4,576
Jaffrey	2,646	63	151	194	12	15	3,081
Keene	3,390	151	1,489	645	54	74	5,803
Laconia	5,045	173	854	554	23	91	6,740
Lancaster	599	12	0	38	2	3	654
Lebanon	2,265	65	35	174	18	25	2,582
Lincoln	479	24	40	82	2	4	631
Littleton	899	60	37	242	11	17	1,266
Manchester	3,718	109	4,007	1,226	25	40	9,325
Merrimack	3,100	114	141	231	22	28	3,636
Milford	2,942	61	133	261	21	19	3,427
Nashua	10,453	809	124	1,854	140	313	13,693
New London	1,590	30	33	50	3	6	1,712
Newport	1,970	53	124	226	20	15	2,408
Ossipee	1,150	61	38	194	20	20	1,483
Peterborough	963	26	76	145	6	7	1,223
Pittsfield	771	27	22	111	13	13	957
Plaistow	1,423	68	213	224	14	35	1,977
Plymouth	1,352	51	208	227	6	17	1,861
Portsmouth	3,447	122	58	261	30	32	3,940
Rochester	3,150	153	46	433	32	60	3,894
Salem	4,411	135	238	517	27	108	5,437
Somersworth	980	64	115	181	12	13	1,365
Wolfeboro	1,029	61	22	92	13	14	1,231
TOTAL	96,240	3,910	12,145	14,058	810	1,739	127,902

MUNICIPAL COURT CRIMINAL CASE ENTRIES

JULY 1 TO DECEMBER 31, 1983

Court	Motor Vehicle Violations	DWI 1st	Other Violations	Misdemeanors	DWI 2nd	Probable Cause Hearings	Total
Bethlehem*	33	2	5	0	0	0	40
Bristol	311	6	40	42	2	2	403
Epping	505	36	44	13	7	0	605
Farmington	187	9	66	121	2	13	398
Greenville	102	10	10	60	4	0	186
Hinsdale	281	19	54	38	0	4	396
Loudon	211	4	6	32	0	3	256
Newmarket	493	11	40	46	2	2	594
Northumberland	129	7	30	27	0	2	195
Pelham	517	4	45	40	0	3	609
Rye	429	8	369	33	0	2	841
Whitefield	210	14	6	48	4	10	292
TOTAL	3,408	130	715	500	21	41	4,815

* Absorbed by Littleton District Court effective 8/16/83.

DISTRICT COURT CIVIL CASE ENTRIES

JANUARY 1 TO JUNE 30, 1983

Court	Writs	Landlord & Tenant	Small Claims	Domestic Violence	Total
Auburn	41	9	139	7	196
Berlin	41	1	137	30	209
Claremont	112	26	265	44	447
Colebrook	19	0	40	7	66
Concord	244	50	1,083	60	1,437
Conway	64	11	246	14	335
Derry	219	0	333	0	552
Dover	102	33	304	28	467
Durham	52	3	59	0	114
Exeter	96	21	443	10	570
Franklin	30	8	161	14	213
Goffstown	49	6	74	13	142
Gorham	2	0	55	5	62
Hampton	110	15	203	17	345
Hanover	49	4	106	0	159
Haverhill	4	0	306	6	316
Henniker	12	3	62	7	84
Hillsborough	17	1	230	13	261
Hooksett	30	38	111	12	191
Jaffrey	20	8	114	10	152
Keene	204	40	731	54	1,029
Laconia	190	44	540	48	822
Lancaster	14	0	43	10	67
Lebanon	40	13	192	18	263
Lincoln	0	2	22	8	32
Littleton	28	0	148	15	191
Manchester	512	252	1,569	218	2,551
Merrimack	91	8	195	14	308
Milford	116	9	188	22	335
Nashua	571	194	1,700	96	2,561
New London	19	2	159	4	184
Newport	25	5	246	12	288
Ossipee	19	1	98	5	123
Peterborough	27	7	119	15	168
Pittsfield	10	8	214	8	240
Plaistow	84	10	147	14	255
Plymouth	72	4	265	15	356
Portsmouth	99	82	387	34	602
Rochester	94	19	338	57	508
Salem	115	27	314	18	474
Somersworth	35	17	99	14	165
Wolfeboro	25	2	529	7	563
TOTAL	3,703	983	12,714	1,003	18,403

MUNICIPAL COURT CIVIL CASE ENTRIES

JANUARY 1 TO JUNE 30, 1983

Court	Landlord & Tenant	Small Claims	Total
Bethlehem	0	17	17
Bristol	0	45	45
Epping	0	8	8
Farmington	2	15	17
Greenville	0	2	2
Hinsdale	1	14	15
Loudon	0	30	30
Newmarket	0	5	5
Northumberland	0	67	67
Pelham	0	63	63
Rye	2	18	20
Whitefield	5	19	19
TOTAL	5	303	308

DISTRICT COURT CIVIL CASE ENTRIES

JULY 1 TO DECEMBER 31, 1983

Court	Writs	Landlord & Tenant	Small Claims	Domestic Violence	Total
Auburn	54	13	100	7	174
Berlin	66	4	276	62	408
Claremont	126	26	234	24	410
Colebrook	13	0	42	13	68
Concord	253	66	1,138	61	1,518
Conway	44	7	240	15	306
Derry	189	0	389	0	578
Dover	116	46	369	32	563
Durham	22	2	50	1	75
Exeter	82	16	452	9	559
Franklin	33	9	149	24	215
Goffstown	37	4	124	13	178
Gorham	7	0	79	3	89
Hampton	92	20	294	28	434
Hanover	72	2	121	1	196
Haverhill	3	0	330	4	337
Henniker	9	0	90	5	104
Hillsborough	15	4	189	7	215
Hooksett	39	22	137	19	217
Jaffrey	16	11	102	8	137
Keene	136	65	847	61	1,109
Laconia	197	56	583	45	881
Lancaster	12	2	57	9	80
Lebanon	30	28	140	20	218
Lincoln	5	1	37	0	43
Littleton	30	0	314	10	354
Manchester	487	319	1,773	143	2,722
Merrimack	65	7	188	9	269
Milford	75	11	222	16	324
Nashua	473	249	1,956	110	2,788
New London	9	1	116	1	127
Newport	19	7	139	16	181
Ossipee	16	0	93	5	114
Peterborough	25	6	188	11	230
Pittsfield	12	8	156	10	186
Plaistow	53	7	130	20	210
Plymouth	41	13	203	16	273
Portsmouth	183	166	785	54	1,188
Rochester	88	49	379	68	584
Salem	119	26	288	16	449
Somersworth	22	25	59	15	121
Wolfeboro	14	0	244	4	262
TOTAL	3,399	1,298	13,802	995	19,494

MUNICIPAL COURT CIVIL CASE ENTRIES

JULY 1 TO DECEMBER 31, 1983

Court	Landlord & Tenant	Small Claims	Total
Bethlehem*	0	8	8
Bristol	0	25	25
Epping	0	13	13
Farmington	1	15	16
Greenville	0	7	7
Hinsdale	0	21	21
Loudon	1	18	19
Newmarket	4	18	22
Northumberland	13	35	48
Pelham	0	103	103
Rye	2	29	31
Whitefield	0	6	6
TOTAL	21	298	319

* Absorbed by Littleton District Court effective 8/16/83.

DISTRICT COURT JUVENILE CASE ENTRIES

JANUARY 1 TO JUNE 30, 1983

Court	Neglected Children	Abused Children	Delinquent Children	CHINS	Total
Auburn	3	0	61	5	69
Berlin	7	0	76	4	87
Claremont	8	11	50	12	81
Colebrook	0	1	7	2	10
Concord	24	7	96	18	145
Conway	0	0	68	0	68
Derry	5	2	78	9	94
Dover	6	2	44	11	63
Durham	0	0	13	6	19
Exeter	0	2	83	14	99
Franklin	6	1	80	6	93
Goffstown	5	2	57	8	72
Gorham	5	0	11	0	16
Hampton	1	1	41	31	74
Hanover	0	1	10	0	11
Haverhill	1	2	11	1	15
Henniker	0	0	18	0	18
Hillsborough	0	0	30	3	33
Hooksett	1	1	54	7	63
Jaffrey	0	1	23	14	38
Keene	16	2	110	4	132
Laconia	14	4	104	21	143
Lancaster	4	2	23	8	37
Lebanon	1	1	28	4	34
Lincoln	0	0	3	0	3
Littleton	4	2	29	2	37
Manchester	128	0	442	55	625
Merrimack	3	1	106	14	124
Milford	3	1	76	12	92
Nashua	15	5	480	39	539
New London	0	0	5	3	8
Newport	4	1	14	21	40
Ossipee	0	1	7	2	10
Peterborough	1	1	23	0	25
Pittsfield	2	0	4	0	6
Plaistow	2	1	38	4	45
Plymouth	9	0	32	2	43
Portsmouth	8	2	36	11	57
Rochester	25	17	56	6	104
Salem	1	0	48	10	59
Somersworth	0	0	22	1	23
Wolfeboro	0	0	31	1	32
TOTAL	312	75	2,628	371	3,386

DISTRICT COURT JUVENILE CASE ENTRIES

JULY 1 TO DECEMBER 31, 1983

Court	Neglected Children	Abused Children	Delinquent Children	CHINS	Total
Auburn	0	2	34	5	41
Berlin	1	2	32	1	36
Claremont	19	11	82	11	123
Colebrook	2	1	16	4	23
Concord	3	5	101	12	121
Conway	2	0	64	0	66
Derry	2	0	30	12	44
Dover	11	0	102	8	121
Durham	0	0	20	5	25
Exeter	1	1	36	8	46
Franklin	10	13	65	5	93
Goffstown	0	4	46	8	58
Gorham	0	0	1	0	1
Hampton	2	3	27	16	48
Hanover	3	1	12	2	18
Haverhill	3	5	18	2	28
Henniker	3	0	10	0	13
Hillsborough	1	0	25	1	27
Hooksett	0	2	15	5	22
Jaffrey	0	1	23	14	38
Keene	21	0	108	10	139
Laconia	6	5	79	37	127
Lancaster	3	1	50	1	55
Lebanon	6	0	35	10	51
Lincoln	0	0	2	0	2
Littleton	6	2	34	0	42
Manchester	125	0	460	31	616
Merrimack	4	3	81	7	95
Milford	6	2	31	6	45
Nashua	5	1	417	29	452
New London	0	0	6	0	6
Newport	0	1	50	4	55
Ossipee	0	0	14	2	16
Peterborough	2	0	29	4	35
Pittsfield	1	0	47	1	49
Plaistow	1	1	30	6	38
Plymouth	3	2	23	5	33
Portsmouth	7	3	35	16	61
Rochester	19	3	54	5	81
Salem	1	0	74	8	83
Somersworth	6	0	30	0	36
Wolfeboro	0	0	25	0	25
TOTAL	285	75	2,473	301	3,134

DISTRICT COURT CRIMINAL CASE ENTRIES

JANUARY 1 TO JUNE 30, 1984

Court	Motor Vehicle Violations	DWI 1st	Other Violations	Misdemeanors	DWI 2nd	Probable Cause Hearings	Total
Auburn	2,276	29	51	127	5	27	2,515
Berlin	412	32	48	152	7	21	672
Claremont	695	36	41	264	14	43	1,093
Colebrook	227	39	66	79	5	15	431
Concord	5,036	195	877	548	86	78	6,820
Conway	1,594	215	8	297	26	45	2,185
Derry	2,628	94	142	318	45	46	3,273
Dover	1,850	85	306	312	17	64	2,634
Durham	1,704	43	193	108	8	13	2,069
Exeter	1,533	82	120	224	23	16	1,998
Franklin	1,243	37	34	114	9	27	1,464
Goffstown	2,064	86	158	243	33	33	2,617
Gorham	703	12	29	60	6	7	817
Hampton	4,800	167	109	345	21	73	5,515
Hanover	806	11	199	48	2	10	1,076
Haverhill	198	14	46	108	2	14	382
Henniker	1,189	28	9	74	6	24	1,330
Hillsborough	492	26	43	109	4	12	686
Hooksett	3,358	72	16	313	17	36	3,812
Jaffrey	1,870	42	57	202	36	33	2,240
Keene	3,684	156	1,641	547	29	109	6,166
Laconia	4,306	170	464	477	40	58	5,515
Lancaster	482	9	0	16	0	2	509
Lebanon	1,978	50	23	134	19	10	2,214
Lincoln	399	18	36	85	2	9	549
Littleton	611	50	47	173	12	36	929
Manchester	4,593	167	3,014	1,364	28	318	9,484
Merrimack	3,244	143	167	223	24	28	3,829
Milford	2,426	75	42	261	26	27	2,857
Nashua	8,408	637	525	4,873	90	413	14,946
New London	1,284	12	16	37	2	3	1,354
Newport	926	44	67	169	16	20	1,242
Ossipee	1,136	27	41	131	18	30	1,383
Peterboro	859	24	40	127	4	6	1,060
Pittsfield	1,011	49	21	74	12	15	1,182
Plaistow	1,671	65	125	191	10	42	2,104
Plymouth	1,268	65	137	187	9	10	1,676
Portsmouth	2,803	127	92	355	31	56	3,464
Rochester	2,438	92	116	371	41	58	3,116
Salem	3,920	167	80	491	19	79	4,756
Somersworth	1,116	76	100	157	9	19	1,477
Wolfeboro	599	41	43	97	9	6	785
TOTAL	83,840	3,609	9,379	14,585	822	1,991	114,226

MUNICIPAL COURT CRIMINAL CASE ENTRIES

JANUARY 1 TO JUNE 30, 1984

Court	Motor Vehicle Violations	DWI 1st	Other Violations	Misdemeanors	DWI 2nd	Probable Cause Hearings	Total
Bristol	130	6	22	53	0	5	216
Farmington	186	7	42	126	1	7	369
Greenville	97	2	19	43	1	0	162
Hinsdale	281	14	22	48	2	0	367
Loudon	423	21	16	37	3	4	504
Newmarket	493	27	64	68	3	12	667
Northumberland	125	7	8	19	0	5	164
Pelham	328	18	37	52	1	7	443
Rye	325	6	63	48	0	2	444
Whitefield	159	7	11	33	4	11	225
TOTAL	2,547	115	304	527	15	53	3,561

DISTRICT COURT CRIMINAL CASE ENTRIES

JULY 1 TO DECEMBER 31, 1984

Court	Motor Vehicle Violations	DWI 1st	Other Violations	Misdemeanors	DWI 2nd	Probable Cause Hearings	Total
Auburn	2,151	55	16	171	9	14	2,416
Berlin	576	42	50	152	3	10	833
Claremont	837	68	35	327	16	25	1,308
Colebrook	640	36	88	86	6	12	868
Concord	6,428	207	95	599	55	62	7,446
Conway	1,428	185	85	301	28	41	2,068
Derry	2,696	135	50	468	35	60	3,444
Dover	2,923	118	452	255	18	45	3,811
Durham	1,796	66	184	115	11	17	2,189
Exeter	2,354	105	91	245	31	26	2,852
Franklin	1,231	36	62	203	8	18	1,558
Goffstown	2,397	121	94	265	25	57	2,959
Gorham	578	30	29	90	4	14	745
Hampton	5,744	195	702	480	15	57	7,193
Hanover	819	12	249	58	3	13	1,154
Haverhill	222	18	41	149	2	21	453
Henniker	1,335	15	40	62	3	13	1,468
Hillsborough	714	20	45	53	4	9	845
Hooksett	4,025	90	23	331	19	40	4,528
Jaffrey	2,723	92	70	139	22	20	3,066
Keene	3,640	183	1,294	648	40	49	5,854
Laconia	4,889	235	506	656	41	91	6,418
Lancaster	609	17	7	54	6	2	695
Lebanon	2,308	53	41	212	12	43	2,669
Lincoln	422	15	32	106	3	5	583
Littleton	845	97	38	264	21	8	1,273
Manchester	5,043	177	843	1,706	27	421	8,217
Merrimack	3,269	172	118	315	23	37	3,954
Milford	3,230	70	81	278	25	25	3,709
Nashua	11,146	1,065	507	3,025	137	266	16,146
New London	1,296	12	22	47	1	4	1,382
Newport	1,320	55	80	154	15	30	1,654
Ossipee	1,328	64	80	140	6	34	1,652
Peterboro	912	25	44	93	6	6	1,086
Pittsfield	1,017	24	8	102	6	11	1,188
Plaistow	1,706	77	202	218	10	37	2,250
Plymouth	1,533	82	249	172	25	17	2,078
Portsmouth	3,219	154	75	424	41	26	3,939
Rochester	3,245	125	35	406	35	47	3,893
Salem	5,162	177	137	704	38	71	6,289
Somersworth	889	48	95	163	13	28	1,236
Wolfeboro	918	52	53	96	22	13	1,154
TOTAL	99,583	4,625	7,048	14,552	870	1,845	128,523

MUNICIPAL COURT CRIMINAL CASE ENTRIES

JULY 1 TO DECEMBER 31, 1984

Court	Motor Vehicle Violations	DWI 1st	Other Violations	Misdemeanors	DWI 2nd	Probable Cause Hearings	Total
Bristol*	386	20	74	30	4	3	517
Farmington	204	23	69	125	4	25	450
Greenville	64	2	2	64	1	2	135
Hinsdale	300	26	9	36	1	0	372
Loudon	356	19	11	76	4	3	469
Newmarket	417	40	31	60	14	7	569
Northumberland	108	4	15	13	0	0	140
Pelham	415	19	25	80	5	13	557
Rye	414	11	560	49	2	2	1,038
Whitefield	116	13	9	29	2	3	172
TOTAL	2,780	177	805	562	37	58	4,419

* Absorbed by Plymouth District Court December, 1984.

DISTRICT COURT CIVIL CASE ENTRIES

JANUARY 1 TO JUNE 30, 1984

Court	Writs	Landlord & Tenant	Small Claims	Domestic Violence	Total
Auburn	40	13	122	9	184
Berlin	16	2	94	27	139
Claremont	31	34	274	41	380
Colebrook	13	0	59	12	84
Concord	412	66	1,136	61	1,996*
Conway	29	8	273	12	322
Derry	164	21	445	13	643
Dover	94	39	423	34	590
Durham	37	3	112	2	154
Exeter	88	21	357	17	483
Franklin	20	10	261	28	319
Goffstown	41	4	157	16	218
Gorham	7	1	79	1	88
Hampton	72	24	297	14	407
Hanover	27	2	114	1	144
Haverhill	9	0	257	2	268
Henniker	19	0	93	8	120
Hillsboro	14	5	189	8	216
Hooksett	31	55	130	18	234
Jaffrey	18	1	78	10	107
Keene	123	57	759	67	1,006
Laconia	154	70	797	55	1,076
Lancaster	12	1	46	6	65
Lebanon	37	11	121	15	184
Lincoln	5	0	29	3	37
Littleton	25	0	277	19	321
Manchester	369	371	1,897	153	2,790
Merrimack	74	9	257	13	353
Milford	51	19	242	20	332
Nashua	1,232	392	2,006	203	3,833
New London	9	3	120	3	135
Newport	22	13	188	20	243
Ossipee	11	2	145	7	165
Peterboro	13	6	172	15	206
Pittsfield	9	9	201	8	227
Plaistow	73	14	174	31	292
Plymouth	34	11	199	22	266
Portsmouth	79	100	1,665	26	1,870
Rochester	91	23	231	75	420
Salem	72	45	237	32	386
Somersworth	28	18	124	25	195
Wolfeboro	15	1	126	7	149
TOTAL	3,720	1,484	14,963	1,159	21,647

* Added into this Total are 321 Involuntary Emergency Hospitalization petitions pursuant to RSA 135-B: 19-25.

MUNICIPAL COURT CIVIL CASE ENTIRES

JANUARY 1 TO JUNE 30, 1984

Court	Landlord & Tenant	Small Claims	Total
Bristol	0	34	34
Farmington	2	20	22
Greenville	0	2	2
Hinsdale	0	13	13
Loudon	0	46	46
Newmarket	10	22	32
Northumberland	0	44	44
Pelham	0	76	76
Rye	2	32	34
Whitefield	0	13	13
TOTAL	14	302	316

DISTRICT COURT CIVIL CASE ENTRIES

JULY 1 TO DECEMBER 31, 1984

Court	Writs	Landlord & Tenant	Small Claims	Domestic Violence	Total
Auburn	31	19	129	7	186
Berlin	21	0	137	15	173
Claremont	44	57	255	45	401
Colebrook	13	1	77	11	102
Concord	221	77	1,003	55	1,689*
Conway	25	6	293	9	333
Derry	99	56	487	49	691
Dover	68	34	393	43	538
Durham	38	3	83	2	126
Exeter	66	10	299	13	388
Franklin	38	23	198	17	276
Goffstown	44	5	147	12	208
Gorham	4	1	143	3	151
Hampton	167	30	306	26	529
Hanover	16	2	121	2	141
Haverhill	4	2	391	3	400
Henniker	11	1	52	5	69
Hillsborough	20	5	338	13	376
Hooksett	44	39	115	14	212
Jaffrey	22	9	135	11	177
Keene	119	85	862	68	1,134
Laconia	148	63	562	73	846
Lancaster	10	1	31	7	49
Lebanon	32	11	137	29	209
Lincoln	3	0	25	6	34
Littleton	38	0	237	12	287
Manchester	408	426	1,977	153	2,964
Merrimack	79	14	294	6	393
Milford	49	20	318	18	405
Nashua	551	385	1,766	172	2,874
New London	11	2	134	2	149
Newport	28	6	180	28	242
Ossipee	9	0	104	14	127
Peterboro	20	7	121	11	159
Pittsfield	6	4	176	7	193
Plaistow	66	13	216	21	316
Plymouth	49	26	308	22	405
Portsmouth	112	87	686	23	908
Rochester	85	42	273	80	480
Salem	77	66	278	21	442
Somersworth	16	39	105	20	180
Wolfeboro	22	0	138	8	168
TOTAL	2,934	1,677	14,030	1,156	20,130

* Added to this Total are 333 Involuntary Emergency Hospitalization petitions pursuant to RSA 135-B: 19-25.

MUNICIPAL COURT CIVIL CASE ENTRIES

JULY 1 TO DECEMBER 31, 1984

Court	Landlord & Tenant	Small Claims	Total
Bristol*	0	43	43
Farmington	2	20	22
Greenville	0	8	8
Hinsdale	3	19	22
Loudon	1	25	26
Newmarket	14	18	32
Northumberland	0	7	7
Pelham	0	60	60
Rye	0	21	21
Whitefield	11	3	14
TOTAL	31	224	255

DISTRICT COURT JUVENILE CASE ENTRIES

JANUARY 1 TO JUNE 30, 1984

Court	Neglected Children	Abused Children	Delinquent Children	CHINS	Total
Auburn	1	1	16	14	32
Berlin	5	2	59	10	76
Claremont	16	3	60	9	88
Colebrook	0	1	17	5	23
Concord	14	8	78	30	130
Conway	0	8	27	1	36
Derry	0	0	43	4	47
Dover	17	8	35	12	72
Durham	0	0	31	2	33
Exeter	1	3	24	15	43
Franklin	14	6	79	8	107
Goffstown	8	4	28	8	48
Gorham	0	0	2	0	2
Hampton	4	1	37	14	56
Hanover	2	0	18	2	22
Haverhill	7	1	7	6	21
Henniker	1	1	10	1	13
Hillsboro	0	0	18	1	19
Hooksett	1	2	21	8	32
Jaffrey	2	0	29	6	37
Keene	25	6	128	14	173
Laconia	13	7	102	29	151
Lancaster	5	4	43	0	52
Lebanon	8	3	40	8	59
Lincoln	0	1	6	0	7
Littleton	7	0	36	5	48
Manchester	116	0	418	55	589
Merrimack	0	2	24	5	31
Milford	4	3	22	9	38
Nashua	45	14	352	72	483
New London	0	1	4	2	7
Newport	0	2	62	4	68
Ossipee	0	3	20	0	23
Peterboro	2	2	15	1	20
Pittsfield	3	4	24	5	36
Plaistow	3	1	26	5	35
Plymouth	16	1	25	1	43
Portsmouth	7	8	41	12	68
Rochester	22	4	65	15	106
Salem	11	0	74	14	99
Somersworth	2	2	46	4	54
Wolfeboro	0	0	23	7	30
TOTAL	382	117	2,235	423	3,157

DISTRICT COURT JUVENILE CASE ENTRIES

JULY 1 TO DECEMBER 31, 1984

Court	Neglected Children	Abused Children	Delinquent Children	CHINS	Total
Auburn	3	2	42	6	53
Berlin	5	1	57	12	75
Claremont	4	3	87	10	104
Colebrook	0	0	11	1	12
Concord	12	6	93	23	134
Conway	0	1	28	4	33
Derry	4	3	53	14	74
Dover	9	3	33	9	54
Durham	0	0	33	0	33
Exeter	5	8	20	7	40
Franklin	10	14	108	5	137
Goffstown	2	1	42	14	59
Gorham	0	0	2	2	4
Hampton	4	1	27	28	60
Hanover	2	0	9	0	11
Haverhill	5	3	27	0	35
Henniker	4	0	3	3	10
Hillsborough	0	1	16	1	18
Hooksett	3	0	26	8	37
Jaffrey	1	0	20	13	34
Keene	13	5	117	10	145
Laconia	13	8	112	24	157
Lancaster	1	5	11	7	24
Lebanon	0	2	43	7	52
Lincoln	0	1	1	0	2
Littleton	16	4	24	5	49
Manchester	135	0	536	40	711
Merrimack	1	1	74	15	91
Milford	3	0	43	7	53
Nashua	14	4	434	117	569
New London	0	0	10	1	11
Newport	6	0	74	9	89
Ossipee	0	4	31	5	40
Peterboro	5	1	31	0	37
Pittsfield	0	1	22	2	25
Plaistow	5	0	62	10	77
Plymouth	4	2	25	5	36
Portsmouth	5	3	30	11	49
Rochester	20	6	74	11	111
Salem	0	2	86	32	120
Somersworth	1	2	46	11	60
Wolfeboro	0	0	11	1	12
TOTAL	315	98	2,634	490	3,537